

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STANLEY PRICE,

Plaintiff,

vs.

Case No. 08-CV-14518  
HON. GEORGE CARAM STEEH  
MAG. VIRGINIA M. MORGAN

STATE TREASURER, MICHAEL  
A. COX, JUANDISHA HARRIS,  
CITY OF DETROIT OFFICE OF  
THE RETIREMENT SYSTEM,

Defendants.

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ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

This matter is before the court on plaintiff Stanley Price's *pro se* action alleging that defendants have unlawfully frozen his pecuniary assets. Defendants Cox and Harris filed a motion to dismiss or for summary judgment, and plaintiff filed a brief in response. The Magistrate Judge issued a report and recommendation recommending that the motion be granted. Objections to that report have not been filed by plaintiff within the established time period. The Court has reviewed the file, record, and magistrate judge's report and recommendation.

Plaintiff is an inmate in the custody of the MDOC. On September 5, 2008, defendant State Treasurer filed a complaint in Ingham County Circuit Court against plaintiff and the City of Detroit pursuant to the State Correctional Facility Reimbursement Act, M.C.L. § 800.401 *et seq.* Defendant State Treasurer sought 90 percent of any pension benefits plaintiff would receive from the City of Detroit as

reimbursement for the costs of plaintiff's current and future incarceration. The attorneys of record for defendant State Treasurer in the state action are defendants Cox and Harris. The current status of the state action is unknown.

On October 10, 2008, plaintiff filed this complaint against defendants, alleging that he has pecuniary assets within the City of Detroit Office of Retirement Systems, and that his wife is unable to retrieve those assets because defendants Cox and Harris had plaintiff's account frozen.

In her report and recommendation, the magistrate judge analyzed the relevant factors under Colorado River Water Conservation Dist. v. United States, 242 U.S. 800 (1976), known as the Colorado River doctrine. The magistrate judge recommends that the doctrine applies in this case for the following reasons. The Michigan state court obtained jurisdiction before this Court, and the state case has progressed further. There is a large risk of piecemeal litigation should this Court exercise jurisdiction, and it is unnecessary for this Court to exercise jurisdiction because the state court is capable of hearing plaintiff's constitutional arguments and protecting plaintiff's rights. The remaining factors are neutral in this case, including which forum is more convenient to the parties, the source of governing law, and the presence of concurrent jurisdiction. The Court agrees with the analysis conducted by the magistrate judge, and therefore accepts her recommendation that the Colorado River abstention doctrine applies in this case. Accordingly,

IT IS ORDERED that the magistrate's report and recommendation regarding abstention is accepted as the findings and conclusions of this Court.

IT IS FURTHER ORDERED that defendants' motion is GRANTED for the

reasons well-developed in the magistrate judge's report and recommendation.

SO ORDERED.

Dated: April 23, 2009

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
April 23, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk